



{In Archive} Kleberg County Vs. URI, an Update

Jose Torres to: Stacey Dwyer, Philip Dellinger, Ray Leissner

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FYI. I thought you might be interested in reading about this case, if you haven't already.

JETorres

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http://www.kr-bn.com/news/2012-02-26/Front_Page/County_URI_court_battle_continues.html

County, URI court battle continues

By Tim Olmeda [tolmeda@king-ranch.com/Kingsville Record 2/25/12](mailto:tolmeda@king-ranch.com/Kingsville_Record_2/25/12)

The district judge presiding over a trial between Kleberg County and Uranium Resources Inc. asked for clarification of groundwater after attorneys for the county questioned prior figures provided by URI.

105th District Court Judge Angelica Hernandez explained her position after listening to videotaped testimony from a geochemical consultant who has expressed opposition to uranium mining in Kingsville in the past.

In his videotaped deposition given Nov. 11, 2011, Abitz testified that the methods URI used were flawed because they did not measure pre-mining water restoration benchmarks.

Abitz said because URI had to drill in order to establish its baseline well, oxygen was introduced to the uranium, which would dissolve and its levels in the water to increase. That means, he said, the baseline readings taken by URI were likely skewed from pre-mining.

JoEllen Hewins, the attorney representing URI, questioned whether Abitz was qualified to make such a determination. She also asked him whether URI had violated any state or federal laws during the mining process.

“To my knowledge, no,” Abitz said.

Hernandez said because of Abitz’s testimony, she needed additional clarification from both sides, particularly Kleberg County, which is going to be asked to consider when determining whether URI had met its contractual obligations in regards to the water.

“I’m just telling you as you develop your cases, you need to let me know with more specificity where you’re sitting on this and I’m not 100 percent sure what numbers you two are really, really asking me to hone in on,” she said. “I’ll provide assistance.”

The main focus of the lawsuit is on water restoration of a well after years of uranium mining. The county alleges that the company has not restored the water.

However, URI officials disagree and maintain the company has restored 1.6 billion gallons of groundwater.

Hernandez has said the law does not allow for disgorgement in a breach of contract case.

Disgorgement is the forced giving up of profits obtained by illegal or unethical acts.

This means that, regardless of the outcome of the trial, no monetary awards will be allocated in the case.